

8549 Golfers Lane
Waco, TX 76712-2309
February 23, 2009

District Clerk
U.S. District Court
District of New Jersey (Newark)
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street, Room 4015
Newark, NJ 07101

Dear District Clerk:

I am one of the lead plaintiffs in the Audible, Inc. Securities Litigation case. The case number is **2:05-ev-01027-JAG-MCA**. I am enclosing a copy of the Civil Docket that I recently retrieved from the web to assist you. This docket shows no termination or progress of the case in question.

Would you please advise me of the status of this particular case? Thank you for your assistance.

Respectively yours,



H. Keith Morgan, Ph.D.

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US District Court Civil Docket as of 12/19/2007

Retrieved from the court on Wednesday, February 18, 2009

**U.S. District Court
District of New Jersey (Newark)
CIVIL DOCKET FOR CASE #: 2:05-cv-01027-JAG-MCA**

CARTER v. AUDIBLE, INC. et al

Date Filed: Feb. 22, 2005
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: Judge Joseph A. Greenaway, Jr.
Cause: 15:78m(a) Securities Exchange Act
Date terminated: Mar. 30, 2007
Jurisdiction: Federal Question
Jury demand: Plaintiff
Referred to: Magistrate Judge Madeline C. Arleo

Parties and Attorneys

In Re

AUDIBLE INC. SECURITIES LITIGATION

Movant

Pierson Group

Attorneys and Firms

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DENNIS CARTER

Individually and on behalf of all others similarly situated

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Consol Plaintiff

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Defendant

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Req #	Filed	#	Docket Text
<u>1</u>	Feb. 22, 2005	1	COMPLAINT against AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN (Filing fee \$ 250 receipt number 329351) w/ JURY DEMAND, filed by DENNIS CARTER. (Attachments: # 1 Certification)(dj,) (Entered: 02/28/2005)
<u>2</u>	Feb. 28, 2005		Summons Issued as to AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN Days Due - 20. MAILED TO COUNSEL. (dj,) (Entered: 02/28/2005)
<u>3</u>	Apr. 25, 2005	2	MOTION to Consolidate Cases and appoint lead plaintiffs by H. Keith Morgan. (Attachments: # 1 Brief Memorandum of Points and Authorities# 2 Declaration# 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Text of Proposed Order # 7 Certificate of Service)(SAVETT, ADAM) (Entered: 04/25/2005)
<u>4</u>	Apr. 25, 2005		Set Deadlines as to 2 MOTION to Consolidate Cases and appoint lead plaintiffs. Motion Hearing set for 5/23/2005 before Judge Joseph A. Greenaway, Jr. (Please be advised that this motion will be decided on the papers unless otherwise notified by the court) (jd,) (Entered: 04/25/2005)
<u>5</u>	Apr. 25, 2005	3	MOTION to Appoint Counsel, Lead Plaintiff and to Consolidate by Pierson Group. (Attachments: # 1 Brief in Support of Pierson Group to Consolidate Actions, to be Appointed Lead Plaintiff and for Approval of its Selection of Lead and Liaison Counsel# 2 Certification of Patrick L. Rocco in Support of the Motion of the Pierson Group to Consolidate Actions, to be Appointed Lead Plaintiff and for Approval of its Selection of Lead and Liaison Counsel# 3 Exhibit A to Rocco Certification# 4 Exhibit B to Rocco Certification# 5 Exhibit C to Rocco Certification# 6 Exhibit D to Rocco Certification# 7 Exhibit E to Rocco Certification# 8 Text of Proposed Order # 9 Certificate of Service)(ROCCO, PATRICK) (Entered: 04/25/2005)

Req #	Filed	#	Docket Text
<u>6</u>	Apr. 25, 2005	4	MOTION to Consolidate Cases , Appoint Lee Group as Lead Plaintiffs and Approve Selection of Lead Counsel by CALVIN M JACOBS, GLORIA JUHNKE, ELIZABETH LEE, GEORGE RAYMOND SHELTON (Attachments: # 1 Brief in Support of Motion of the Lee Group for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Counsel# 2 Declaration of Michael J. Klein in Support of Consolidation, Appointment of Lead Plaintiff and Selection of Counsel# 3 Text of Proposed Order for Consolidation, Appointment of Lee Group as Lead Plaintiff and Approving Selection of Counsel# 4 Certificate of Service with Cover Letter to Clerk)(GRAIFMAN, GARY) (Entered: 04/25/2005)
<u>7</u>	Apr. 25, 2005	5	MOTION to Consolidate Cases , to Appoint Lead Plaintiffs and for Approval of Lead and Liaison Counsel by Chia-Wei Hu, Christopher Salyer (Attachments: # 1 Brief # 2 Declaration of Joseph J. DePalma# 3 Exhibit Exhibits A-C to DePalma Declaration# 4 Exhibit D to DePalma Declaration# 5 Exhibit Exhibit E to DePalma Declaration# 6 Text of Proposed Order # 7 Certificate of Service # 8 Service List)(DEPALMA, JOSEPH) (Entered: 04/25/2005)
<u>8</u>	Apr. 25, 2005		Set Deadlines as to 3 MOTION to Appoint Counsel , Lead Plaintiff and to Consolidate, 4 MOTION to Consolidate Cases , Appoint Lee Group as Lead Plaintiffs and Approve Selection of Lead Counsel, 5 MOTION to Consolidate Cases , to Appoint Lead Plaintiffs and for Approval of Lead and Liaison Counsel. Motion Hearing set for 5/23/2005 before Judge Joseph A. Greenaway, Jr. (Please be advised that the motions will be decided on the papers unless otherwise notified by the court) (jd,) (Entered: 04/26/2005)
<u>9</u>	Apr. 27, 2005	6	Amended MOTION to Appoint Counsel , Lead Plaintiff, and to Consolidate Actions by Pierson Group. (Attachments: # 1 Certificate of Service)(ROCCO, PATRICK) (Entered: 04/27/2005)
<u>10</u>	Apr. 28, 2005	7	SUMMONS Returned Executed by Pierson Group. DONALD R. KATZ served on 4/7/2005, answer due 4/27/2005. (ROCCO, PATRICK) (Entered: 04/28/2005)
<u>11</u>	Apr. 28, 2005	8	SUMMONS Returned Executed by Pierson Group. ANDREW P. KAPLAN served on 4/7/2005, answer due 4/27/2005. (ROCCO, PATRICK) (Entered: 04/28/2005)
<u>12</u>	Apr. 28, 2005	9	SUMMONS Returned Executed by Pierson Group. AUDIBLE, INC. served on 4/7/2005, answer due 4/27/2005. (ROCCO, PATRICK) (Entered: 04/28/2005)
<u>13</u>	May 03, 2005	10	NOTICE of Appearance by DANIELLE ABOUZEID on behalf of KATZ IMPORTS (Attachments: # 1 Certificate of Service)(ABOUZEID, DANIELLE) (Entered: 05/03/2005)
<u>14</u>	May 04, 2005		REMARK - Please disregard (Doc. #10) submitted by Danielle Abouzeid on 5/3/05 as it was inadvertently filed in error. (dc,) (Entered: 05/04/2005)
<u>15</u>	May 04, 2005		Clerk's Note: the Notice of Appearance, Document #10 submitted by D. Abouzeid on 5/3/05 was filed in wrong case #; correct docket # is 05cv1589 (jd,) (Entered: 05/04/2005)
<u>16</u>	May 09, 2005	11	NOTICE by DENNIS CARTER re 5 MOTION to Consolidate Cases , to Appoint Lead Plaintiffs and for Approval of Lead and Liaison Counsel Notice of Withdrawal of Motion of Movants Chia-Wei Hu and Christopher Salyer to Consolidate Actions, to be Appointed Lead Plaintiffs and for

Req #	Filed	#	Docket Text
			Approval of Lead Plaintiffs' Selection of Lead Counsel and Liaison Counsel (Attachments: # 1 # 2 Certificate of Service)(DEPALMA, JOSEPH) (Entered: 05/09/2005)
<u>17</u>	May 09, 2005	12	BRIEF in Opposition re 4 MOTION to Consolidate Cases , Appoint Lee Group as Lead Plaintiffs and Approve Selection of Lead Counsel, 5 MOTION to Consolidate Cases , to Appoint Lead Plaintiffs and for Approval of Lead and Liaison Counsel filed by Kirk Chung, Jungwhan Oh, Frederick Pierson, H. Keith Morgan. (Attachments: # 1 Declaration in Support# 2 Certificate of Service)(SAVETT, ADAM) (Entered: 05/09/2005)
<u>18</u>	May 16, 2005	13	REPLY to Response to Motion re 2 MOTION to Consolidate Cases and appoint lead plaintiffs, 3 MOTION to Appoint Counsel , Lead Plaintiff and to Consolidate, 6 Amended MOTION to Appoint Counsel , Lead Plaintiff, and to Consolidate Actions filed by H. Keith Morgan. (SAVETT, ADAM) (Entered: 05/16/2005)
<u>19</u>	May 16, 2005	14	CERTIFICATE OF SERVICE by H. Keith Morgan re 13 Reply to Response to Motion, (SAVETT, ADAM) (Entered: 05/16/2005)
<u>20</u>	May 20, 2005	15	STIPULATION AND ORDER consolidating 05-1340, 05-1189 and 05-1304 with 05-1027; the defts need not respond to the current complaints but only to the amended consolidated complaint that will presumably be filed after the Court has appointed a lead pltf, etc. Signed by Judge Joseph A. Greenaway, Jr. on 5/18/05. (jd,) (Entered: 05/23/2005)
<u>21</u>	Aug. 29, 2005		Judge Madeline C. Arleo added. (nc,) (Entered: 09/21/2005)
<u>22</u>	Sep. 27, 2005	16	Substitution of Attorney - Attorney DANIEL S. SOMMERS and DANIEL S. SOMMERS for H. Keith Morgan and Pierson Group added. Attorney ADAM T. SAVETT terminated.. (Attachments: # 1 Certificate of Service)(SOMMERS, DANIEL) (Entered: 09/27/2005)
<u>23</u>	Dec. 15, 2005	17	ORDER that David Clarke, Jr. and Sara Z. Moghadam be permitted to appear pro hac vice on behalf of defts. Signed by Judge Madeline C. Arleo on 12/13/05. (jd,) (Entered: 12/15/2005)
<u>24</u>	Dec. 15, 2005	18	First MOTION for Leave to Appear Pro Hac Vice (Joshua H. Vinik and Andrei V. Rado) by Frederick Pierson. (Attachments: # 1 Affidavit Certification of Patrick Rocco# 2 Affidavit Certification of Joshua Vinik# 3 Affidavit Certification of Andrei Rado# 4 Text of Proposed Order Proposed Order# 5 Certificate of Service Certificate of Service)(ROCCO, PATRICK) (Entered: 12/15/2005)
<u>25</u>	Dec. 15, 2005		Set Deadlines as to 18 First MOTION for Leave to Appear Pro Hac Vice (Joshua H. Vinik and Andrei V. Rado). Motion Hearing set for 1/9/2006 before Judge Joseph A. Greenaway, Jr.. (Please be advised that this motion shall be decided on the papers unless otherwise notified by the court) (jd,) (Entered: 12/16/2005)
<u>26</u>	Dec. 16, 2005	19	Minute Entry for proceedings held before Judge Joseph A. Greenaway, Jr. Motion Hearing held on 12/16/2005 re 5 MOTION to Consolidate Cases , to Appoint Lead Plaintiffs and for Approval of Lead and Liaison Counsel filed by Christopher Salyer, Chia-Wei Hu, 6 Amended MOTION to Appoint Counsel , Lead Plaintiff, and to Consolidate Actions filed by Pierson Group., 4 MOTION to Consolidate Cases , Appoint Lee Group as Lead Plaintiffs and Approve Selection of Lead Counsel filed by ELIZABETH LEE, GLORIA JUHNKE, CALVIN M JACOBS, GEORGE

Req #	Filed	#	Docket Text
			RAYMOND SHELTON, 3 MOTION to Appoint Counsel, Lead Plaintiff and to Consolidate filed by Pierson Group. ORDERED motion granted. (Court Reporter Tom Brazaitis.) (ps,) (Entered: 12/21/2005)
<u>27</u>	Dec. 22, 2005	20	ORDER granting 18 Motion for Leave to Appear Pro Hac Vice. Signed by Judge Joseph A. Greenaway, Jr. on 12/16/05. (jd,) (Entered: 12/23/2005)
<u>28</u>	Dec. 27, 2005	21	ORDER Titling Action and Appointing Lead Plaintiff and Lead Counsel. This consolidated action shall be referred to as " In Re Audible Inc. Securities-Litigation, Civil Action No. 05-1027, The Court appoints Morgan, Oh, Pierson and Chung to be the Lead Pltfs, etc; the law firm of Cohen, Milstein, Hausfeld & Toll and Milberg Weiss Bershad and Schulman to serve as Lead Counsel, the law firm of Shalov, Stone & Bonner to serve as Liaison Counsel, etc. Signed by Judge Joseph A. Greenaway, Jr. on 12/16/05. (jd,) (Entered: 12/27/2005)
<u>29</u>	Feb. 14, 2006	22	AMENDED DOCUMENT by H. Keith Morgan, Kirk Chung, Jungwhan Oh, Frederick Pierson. CONSOLIDATED AMENDED CLASS ACTION COMPLAINT. (Attachments: # 1 Certification of Service)(ROCCO, PATRICK) (Entered: 02/14/2006)
<u>30</u>	Aug. 15, 2006	23	MOTION to Dismiss by AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN. (Attachments: # 1 Brief # 2 Text of Proposed Order # 3 Declaration # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit)(ORTIZ, CARLOS) (Entered: 08/15/2006)
<u>31</u>	Aug. 15, 2006	24	MOTION to Dismiss Exhibits E-G to Moghadam Declaration by AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit)(ORTIZ, CARLOS) (Entered: 08/15/2006)
<u>32</u>	Aug. 15, 2006	25	REPLY to Response to Motion re 24 MOTION to Dismiss Exhibits E-G to Moghadam Declaration, 23 MOTION to Dismiss filed by AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN. (ORTIZ, CARLOS) (Entered: 08/15/2006)
<u>33</u>	Aug. 15, 2006		Set Deadlines as to 23 MOTION to Dismiss. Motion Hearing set for 9/11/2006 before Judge Joseph A. Greenaway, Jr. (Please be advised that this motion shall be decided on the papers unless otherwise notified by the court) (jd,) (Entered: 08/16/2006)
<u>34</u>	Aug. 16, 2006	26	BRIEF in Opposition re 23 MOTION to Dismiss filed by H. Keith Morgan, Kirk Chung, Jungwhan Oh, Frederick Pierson. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Certificate of Service)(ROCCO, PATRICK) (Entered: 08/16/2006)
<u>35</u>	Jan. 23, 2007	27	NOTICE by Frederick Pierson of Change of Law Firm Name (Attachments: # 1 Certificate of Service)(ROCCO, PATRICK) (Entered: 01/23/2007)
<u>36</u>	Mar. 02, 2007	28	NOTICE by VLADIMIR NOZHNIK, Pierson Group, DENNIS CARTER, Frederick Pierson of Change of Law Firm Name and Address (Attachments: # 1 Certificate of Service)(ROCCO, PATRICK) (Entered: 03/02/2007)
<u>37</u>	Mar. 30, 2007	29	ORDER granting 23 Motion to Dismiss. Plaintiffs have 30 days from entry of the Order to file an amended complaint. Signed by Judge Joseph A. Greenaway, Jr. on 3/30/07. (ps,) (Entered: 03/30/2007)
<u>38</u>	Mar. 30, 2007		***Civil Case Terminated (ps,) (Entered: 03/30/2007)
<u>39</u>	Apr. 03, 2007	30	OPINION. Signed by Judge Joseph A. Greenaway, Jr. on 4/3/07. (jd,)

Req #	Filed	#	Docket Text
			(Entered: 04/04/2007)
<u>40</u>	Apr. 10, 2007	31	MOTION for Reconsideration of Dismissal of Consolidated Amended Class Action Complaint by H. Keith Morgan, Kirk Chung, Jungwhan Oh, Frederick Pierson. (Attachments: # 1 Memorandum in Support of Motion# 2 Text of Proposed Order)(ROCCO, PATRICK) (Entered: 04/10/2007)
<u>41</u>	Apr. 10, 2007	32	CERTIFICATE OF SERVICE by H. Keith Morgan, Kirk Chung, Jungwhan Oh, Frederick Pierson re 31 MOTION for Reconsideration of Dismissal of Consolidated Amended Class Action Complaint (ROCCO, PATRICK) (Entered: 04/10/2007)
<u>42</u>	Apr. 11, 2007		Set Deadlines as to 31 MOTION for Reconsideration of Dismissal of Consolidated Amended Class Action Complaint. Motion Hearing set for 5/14/2007 before Judge Joseph A. Greenaway, Jr. (Please be advised that this motion shall be decided on the papers unless otherwise notified by the court) (jd,) (Entered: 04/11/2007)
<u>43</u>	Apr. 19, 2007	33	BRIEF in Opposition re 31 MOTION for Reconsideration of Dismissal of Consolidated Amended Class Action Complaint filed by AUDIBLE, INC., DONALD R. KATZ, ANDREW P. KAPLAN. (Attachments: # 1 Text of Proposed Order)(ORTIZ, CARLOS) (Entered: 04/19/2007)
<u>44</u>	Apr. 30, 2007	34	STIPULATION Extending Plaintiffs' Time to Amend Complaint by H. Keith Morgan, CALVIN M JACOBS, GLORIA JUHNKE, ELIZABETH LEE, GEORGE RAYMOND SHELTON, DENNIS CARTER, Kirk Chung, Jungwhan Oh, Frederick Pierson. (ROCCO, PATRICK) (Entered: 04/30/2007)
<u>45</u>	Jul. 26, 2007	35	NOTICE by Pierson Group of Change of Law Firm Name (Attachments: # 1 Certificate of Service)(ROCCO, PATRICK) (Entered: 07/26/2007)
<u>46</u>	Dec. 18, 2007	36	ORDER denying 31 Motion for Reconsideration. Signed by Judge Joseph A. Greenaway, Jr. on 12/18/07. (jd,) (Entered: 12/18/2007)
<u>47</u>	Dec. 19, 2007	37	OPINION. Signed by Judge Joseph A. Greenaway, Jr. on 12/18/07. (jd,) (Entered: 12/19/2007)